



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision – Special Exception - Boardwalk**

#### **Request for Special Exception**

#### **Robert and Linda Spence/Map 197, Lot 9**

**June 1, 2011**

**Applicant: Robert and Linda Spence**  
**354 Redding Lane**  
**Moultonborough, NH 03254**

**Location: 354 Redding Lane, Moultonborough, NH (Tax Map 197, Lot 9)**

On May 18, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Robert and Linda Spence (hereinafter referred to as the “Applicant” and/or “Owner”) for an application for Special Exception under Article III(B)(6) to allow for construction of a section of boardwalk above the existing stone pathway and associated stairs located within the existing fifty (50) foot lake setback for the property located in the Residential Agricultural (RA) Zoning District at 354 Redding Lane (Tax Map 197, Lot 9).

Based on the application, testimony given at the hearing, and supporting documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 354 Redding Lane (Tax Map 197, Lot 9)
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented by Gerald Franzen of Abode Builders of New England, contractor to the site.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) No members of the public wished to speak during the Public Hearing.
- 6) The applicant is requesting to construct a raised boardwalk above the existing stone pathway and associated stairs within the fifty (50) foot lake setback.
- 7) The specific site is an appropriate location for the use of the structure as it is adjacent to a water body.
- 8) The use will not be incompatible with the character of the neighboring land uses as it is a residential structure in a residential neighborhood, many of which have similar access to the lake.
- 9) Property values in the district will not be negatively impacted or reduced by such a use as the proposal will increase the site’s value and is similar to other uses in the district.

- 10) There will be no nuisance or hazard to vehicles or pedestrians as the use is entirely on private property and not subject to public access.
- 11) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- 12) The proposed use complies with the minimum land space requirements.
- 13) The application meets all of the requirements for a Special Exception under Article VI E.
- 14) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Heal, Hopkins, Roseberry), and none (0) opposed to continue the Public Hearing to June 1, 2011, and to direct the Town Planner to draft a Notice of Decision to Grant the Special Exception, to be reviewed by the Board at the June 1, 2011 Regular Meeting.

The Board of Adjustment continued the Public Hearing to June 1, 2011. The Board of Adjustment closed the public portion of the hearing on June 1, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Nolin, Roseberry, Crowe), none (0), to **GRANT** the request for Special Exception.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

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Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date \_\_\_\_\_